

**DOCKET NO. D-1994-080 CP-3**

**DELAWARE RIVER BASIN COMMISSION**

**Lyons Borough Municipal Authority  
Wastewater Treatment Plant  
Borough of Lyons, Berks County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by SSM Group, Inc. on behalf of the Lyons Borough Municipal Authority (LBMA) on August 21, 2012 (Application), for renewal of a wastewater treatment plant (WWTP) and its related discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0085171 for this project was issued by the Pennsylvania Department of Environmental Protection (PADEP) on August 1, 2010. The LBMA submitted an application to the PADEP to renew their NPDES permit on September 28, 2012, and is awaiting approval.

The Application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Berks County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on March 5, 2013.

**A. DESCRIPTION**

1. **Purpose.** The purpose of this docket is to renew the approval of the docket holder's existing 0.3 million gallons per day (mgd) LBMA WWTP and its related discharge. There is no modification to the LBMA WWTP proposed.
2. **Location.** The project WWTP is located on Hunter Street approximately 650 feet northeast of the intersection of Hunter Street and South Main Street in Lyons Borough, Berks County, Pennsylvania. The WWTP will continue to discharge to the Sacony Creek, which is a tributary to The Maiden Creek, itself a tributary to the Schuylkill River at River Mile 92.47 - 86.7 - 11.3 - 12.2 (Delaware River – Schuylkill River – Maiden Creek – Sacony Creek).

The project outfall is located in the Sacony Creek Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 29' 13"	75° 44' 48"

3. **Area Served.** The WWTP will continue to serve the Borough of Lyons, portions of Maxatawny Township and the East Penn Manufacturing Company (EPMC) in Berks County Pennsylvania. The East Penn Manufacturing Company is located mostly in Richmond Township but with a portion in Lyons Borough.

For the purpose of defining the Area Served, sections B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. **Physical Features.**

a. **Design Criteria.** The docket holder's 0.3 mgd average annual flow WWTP treats domestic, commercial and industrial sanitary wastewater through an aerated equalization tank, activated sludge treatment process with chemical addition and filtration. The hydraulic design capacity of the treatment facility is 0.375 mgd. All wastewater treated at the LBMA WWTP facility is discharged into Sacony Creek.

b. **Facilities.** The existing WWTP treatment facilities consist of a comminutor/grinder, four (4) aerated equalization tanks, three (3) aeration tanks, two (2) clarifiers, a chemical feed system (alum), three (3) gravity filters, a ultra-violet light (UV) disinfection system and a post aeration tank. Sludge handling facilities include two (2) aerobic digestors, three (3) reed beds and a screw post.

The project facilities aren't located in the 100-year floodplain.

Emergency power is provided by a standby on-site generator, which is lease and maintained through an outside company.

Wasted sludge will continue to be hauled off-site by a licensed hauler for disposal at a State approved facility.

c. **Water Withdrawals.** The potable water supply in the project service area is provided by the Lyons Water Company. The most recent DRBC approval was via Docket No. D-1965-008 CP-1 on March 24, 1965.

d. **NPDES Permit / DRBC Docket.** The NPDES Permit No. PA0085171 issued by PADEP on August 1, 2010, includes effluent limitations for the project discharge of 0.3 mgd to surface waters classified by the PADEP as a Cold Water Fishery (CWF). The LBMA has submitted an application for their NPDES permit on September 28, 2012 and are awaiting approval by the PADEP. The following average monthly effluent limits are among those listed in the NPDES permit and meet or are more stringent than the effluent requirements of the DRBC.

**EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES Permit**

<b>OUTFALL 001 (Discharge to the Sacony Creek)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
pH (Standard Units)	6 to 9 at all times	As required in NPDES permit
Total Suspended Solids	30 mg/l	As required in NPDES permit
CBOD <sub>5</sub> (5-1 to 10-31)	16 mg/l (85% minimum removal*)	As required in NPDES permit
(11-1 to 4-30)	25 mg/l (85% minimum removal*)	
Ammonia Nitrogen (5-1 to 10-31)	5 mg/l	As required in NPDES permit
(11-1 to 4-30)	15 mg/l	
Fecal Coliform (5-1 to 9-30)	200 colonies per 100 ml	As required in NPDES permit
(10-1 to 4-30)	2,000 colonies per 100 ml	
Total Dissolved Solids	1,000 mg/l**	As required in NPDES permit

\* DRBC Requirement

\*\* See Condition II.p.

**e. Relationship to the Comprehensive Plan.** The Lyons Borough Municipal Authority WWTP was originally included in the Comprehensive Plan by DRBC Docket No. D-1994-080 on January 25, 1995 and approved by the Commission as a 0.15 mgd WWTP. The WWTP was actually built for a hydraulic design of 0.20 mgd; however, the change in hydraulic design was never approved by the Commission. Docket D-1994-080 CP-2 approved the expansion of the LBMA WWTP from 0.20 to 0.30 mgd.

## **B. FINDINGS**

The purpose of this docket is to renew the approval of the docket holder's existing 0.3 mgd LBMA WWTP and its related discharge. No modifications to the WWTP are proposed.

At the project site, the Sacony Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q7-10) of 0.89 mgd (1.38 cfs) at the point of discharge. The ratio of this low flow to the design wastewater discharge from the WWTP is 2.9 to 1.0.

The nearest surface water intake of record for public water supply downstream of the project discharge is operated by the Reading Water Authority and it is located on the Maiden Creek, downstream of Lake Ontelaunee, approximately 21 river miles downstream.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the *Water Quality Regulations (WQR)* of the DRBC.

**C. DECISION**

I. Effective on the approval date for Docket No. D-1994-080 CP-3 below:

a. The project described in Docket No. D-1994-080 CP-2 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1994-080 CP-3; and

b. Docket No. D-1994-080 CP-2 is terminated and replaced by Docket No. D-1994-080 CP-3; and

c. The project and the appurtenant facilities described in Section A “Physical Features” of this docket shall be continued in the Comprehensive Plan.

II. The project and appurtenant facilities as described in Section A “Physical Features” of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES permit and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Commission’s *WQR*.

d. The docket holder shall comply with the requirements contained in the Effluent Table(s) in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F, nor shall such discharge result in stream temperatures exceeding 87°F. (Non-tidal, Non-trout Waters)

i. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served section of this docket, which incorporates by reference sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION section.

j. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

k. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

l. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

m. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

n. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

o. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

p. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

q. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

r. Nothing in this docket constitutes a defense to any penalty action for past conduct of the docket holder or ongoing activity not authorized by this approval. In particular, renewal of this docket does not resolve violations – whether in the past or continuing – of provisions of the Delaware River Basin Compact (“Compact”) or any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or continuing violations.

s. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

t. The docket holder owes a remaining balance of \$2,000 for this docket renewal. The balance shall be paid within sixty (60) days of issuance of this docket (by May 6, 2013) or fees may be assessed in accordance with the Commission’s Penalty Matrix.

**BY THE COMMISSION**

**DATE APPROVED: March 6, 2013**

**EXPIRATION DATE: March 31, 2018**